

19 MAG 11635

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Approved:

JACOB R. FIDDELMAN

Assistant United States Attorney

Before:

HONORABLE SARAH L. CAVE

United States Magistrate Judge

Southern District of New York

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UNITED STATES OF AMERICA

- v. -

THOMAS BAUTISTA,
a/k/a "T-Money,"

SAMUEL SANCHEZ,
a/k/a "Sammy,"

Defendants.
-----X

:
:
: SEALED COMPLAINT

:
: Violation of 21 U.S.C.
: § 846

:
: COUNTY OF OFFENSE:
: BRONX

SOUTHERN DISTRICT OF NEW YORK, ss:

PABLO E. HUERTA, being duly sworn, deposes and says that he is a Special Agent with the Department of Homeland Security, Homeland Security Investigations ("HSI"), and charges as follows:

COUNT ONE
(Narcotics Conspiracy)

1. From at least in or about September 2019, up to and including in or about November 2019, in the Southern District of New York and elsewhere, THOMAS BAUTISTA, a/k/a "T-Money," and SAMUEL SANCHEZ, a/k/a "Sammy," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that THOMAS BAUTISTA, a/k/a "T-Money," and SAMUEL SANCHEZ, a/k/a "Sammy," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance that THOMAS BAUTISTA, a/k/a "T-Money," and SAMUEL SANCHEZ, a/k/a "Sammy," the defendants, conspired to distribute and possess with intent to distribute was 28 grams and more of mixtures and substances containing a detectable amount of cocaine base, in violation of Title 21, United States Code, Section 841(b)(1)(B).

(Title 21, United States Code, Section 846.)

The bases for my knowledge of the foregoing charge are, in part, as follows:

4. I am a Special Agent with HSI, and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. Based on my participation in this investigation, including my review of law enforcement reports, other documents, and video recordings, and my conversations with other law enforcement officers, I have learned the following, in substance and in part:

a. Since in or about September 2019, HSI and the New York City Police Department have been investigating narcotics trafficking that has been occurring in the vicinity of an apartment building located at 2490 Davidson Avenue in the Bronx, New York (the "Building"). As part of this investigation, law enforcement officers have observed numerous hand-to-hand sales of narcotics in the vicinity of that location, many of which have been video-recorded by law enforcement. For example:

i. On or about October 16, 2019, an undercover law enforcement officer ("UC-1") purchased approximately 3.1 grams of crack cocaine from SAMUEL SANCHEZ, a/k/a "Sammy," the defendant. The transaction was video-recorded by law enforcement. UC-1 approached SANCHEZ outside the Building located at 2490 Davidson Avenue. UC-1 and SANCHEZ entered the Building, and in the lobby, UC-1 informed SANCHEZ, in substance and in part, that UC-1 was looking to purchase three grams of crack cocaine. SANCHEZ then

borrowed UC-1's cellphone and attempted to phone an individual he referred to as "T-Money," but the call went unanswered. SANCHEZ then left the lobby in an attempt to locate "T-Money" before returning and instructing UC-1 to wait for "T-Money" to arrive. UC-1 declined to wait and stated, in substance and in part, that he would return later. Upon UC-1's return to the lobby of the Building approximately one hour later, UC-1 again met SANCHEZ and briefly discussed the price that UC-1 would pay for the three grams of crack. Once a price had been agreed to and UC-1 gave SANCHEZ \$180 in cash, SANCHEZ left the lobby and returned a short time later with 22 small clear plastic twists containing a white, rocklike substance that, based on UC-1's training and experience, UC-1 believed to be crack cocaine. SANCHEZ then stated, in substance and in part, that "T-Money" had given SANCHEZ the crack cocaine already packaged.

ii. I have reviewed a lab report of testing performed on the contents of the 22 twists that UC-1 purchased from SANCHEZ on or about October 16, 2019. The contents tested positive for the presence of crack cocaine and weighed approximately 3.1 grams in total.

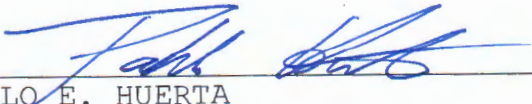
iii. On or about November 1, 2019, UC-1 purchased approximately 2.3 grams of crack cocaine from SANCHEZ and THOMAS BAUTISTA, a/k/a "T-Money," the defendant. The transaction was video-recorded by law enforcement. UC-1 approached SANCHEZ outside of the Building, where SANCHEZ was standing with an individual later identified as BAUTISTA. In substance and in part, SANCHEZ asked UC-1 how much UC-1 needed, which UC-1 understood from his training and experience to be asking how much crack cocaine UC-1 intended to purchase. UC-1 responded, in substance and in part, that UC-1 had \$200 to spend. SANCHEZ then briefly spoke to BAUTISTA, after which BAUTISTA took \$200 in cash from UC-1. UC-1 and SANCHEZ then walked together to the door of a particular apartment inside the Building. While UC-1 waited at the door, SANCHEZ entered the apartment and retrieved a large plastic bag containing 22 clear plastic twists, which SANCHEZ then handed to UC-1. The twists contained a white, rocklike substance that, based on UC-1's training and experience, UC-1 believed to be crack cocaine.

iv. I have reviewed a lab report of testing performed on the contents of the 22 twists that UC-1 purchased from SANCHEZ and BAUTISTA on or about November 1, 2019. The contents tested positive for the presence of crack cocaine and weighed approximately 2.3 grams in total.

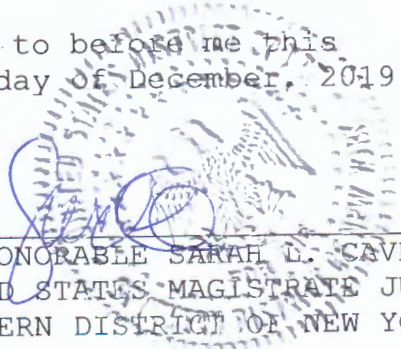
6. Based on my participation in this investigation, including my review of law enforcement reports, other documents, and video recordings, and my conversations with other law enforcement officers, I have learned, in substance and in part, that including the two instances described above, UC-1 purchased crack cocaine from THOMAS BAUTISTA, a/k/a "T-Money," and SAMUEL SANCHEZ, a/k/a "Sammy," the defendants, inside or in the vicinity of the Building on eight separate occasions between on or about September 14, 2019 up to and including on or about November 23, 2019. Each transaction was video-recorded by law enforcement. On each occasion, the substances purchased by UC-1 from BAUTISTA and SANCHEZ tested positive for the presence of crack cocaine. The total weight of the crack cocaine purchased from BAUTISTA and SANCHEZ is at least approximately 35.9 grams.

7. Law enforcement officers have compared the individuals shown in the various video recordings of the transactions described above to known photographs of THOMAS BAUTISTA, a/k/a "T-Money," and SAMUEL SANCHEZ, a/k/a "Sammy," the defendants, and concluded that the individuals known to UC-1 as "T-Money" and "Sammy" from whom UC-1 purchased crack cocaine on the above-described occasions are BAUTISTA and SANCHEZ, respectively.

WHEREFORE, I respectfully request that warrants be issued for the arrest of THOMAS BAUTISTA, a/k/a "T-Money," and SAMUEL SANCHEZ, a/k/a "Sammy," the defendants, and that they be imprisoned or bailed, as the case may be.


PABLO E. HUERTA
Special Agent
Department of Homeland Security,
Homeland Security Investigations

Sworn to before me this
12th day of December, 2019


THE HONORABLE SARAH L. CAVE
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK